IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

MFA.No. 845 of 1996(F)

O.P(MV) .2105/1994 MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE
.....

APPELLANT/(3RD RESPONDENT IN M.V.O.P):

THE ORIENTAL INSURANCE CO. LTD.,
CALICUT, REPRESENTED BY THE ADMINISTRATIVE OFFICER,
MOTOR THIRD PARTY CLAIMS CELL, DOOR. NO. 40/5598,
M.G. ROAD, COCHIN - 682035.

BY ADV. SRI.M.G.K.MENON.

RESPONDENTS/(PETITIONERS AND RESPONDENTS 1 & 2 IN M.V.O.P.):
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1. **C.P. MUMTHAZ, W/O. A.B. RASSAK, "SRANKS" HOUSE, P.O. BEYPORE, KOZHIKODE.**

2. **A.B. RAZAK, "SRANKS" HOUSE, P.O. BEYPORE, KOZHIKODE.**

3. **A.B. JASHEELA, (MINOR), REPRESENTED BY THE 1ST RESPONDENT, C.P. MUMTHAS, "SRANKS" HOUSE, P.O. BEYPORE, KOZHIKODE.**

4. **A.B. JASMEER, (MINOR), REPRESENTED BY THE 1ST RESPONDENT, C.P. MUMTHAS, "SRANKS" HOUSE, P.O. BEYPORE, KOZHIKODE.**

5. **K.A. ABDUL RAFEEQUE, S/O. MAMMED KOYA, NAVAS MAHAL, MEENCHANDA, CALICUT, P.O. ARTS & SCIENCE COLLEGE.**

M.F.A. NO. 845/1996:

6. RAMESAN, S/O. CHANDRASEKHARAN,
PALATHU VEEDU,
NADUVATTAM, KOZHIKODE.P.O.,
NORTH BEYPORE.

BY

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 20/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NOS. 3329/1996 & 3330/1996 IN M.F.A. NO. 845/1996

DISMISSED

SD/- J.B.KOSHY, JUDGE.

20/06/2007. **SD/- K.P.BALACHANDRAN, JUDGE.**

//TRUE COPY//

prv.

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.No.845 OF 1996

Dated 20th June, 2007

JUDGMENT

Koshy,J.

This appeal is filed against an interim award passed by the Motor Accidents Claims Tribunal directing to pay Rs.50,000/= under Section 140 of the Motor Vehicles Act. Contention of the appellant is that at the time of the accident maximum amount that can be payable under section 140 is Rs.25,000/=. By an interim order dated 13th August, 1996 this court directed the appellant to deposit Rs.25,000/=. Whatever amount is paid has to be adjusted in the final award. In view of the interim order, the matter has become infructuous and parties are left to get balance compensation, if any, after passing final award.

The appeal is disposed of accordingly.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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